GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. - Revenue Department - Sri K. Madhusudhana Rao, formerly Attender (Civil Supplies), O/o MRO, Ichapuram (M) - Dismissed from service - Appeal filed before the Government - Accused Officer retired from service - imposition of punishment of 50% (Fifty percent) cut in pension permanently as per Rule 9 of A.P Revised Pension Rules 1980 - Orders -issued.

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REVENUE (VIGILANCE-V) DEPARTMENT

G.O.Rt.No.48 **Dated:11.01.2023.**
Read the following:

1. Revision Petition filed by Sri K. Madhusudhana Rao, formerly Attender (CS), O/o MRO, Ichapuram (M), Srikakulam District before the Government.
2. G.O.Rt. No.1552, Revenue (Vig.VII) Deptt., dt.02.08.2008.
3. From the District Collector, Srikakulam, Lr.No.4708/98/A2, dt.25.05.10.
4. From the CCLA, Lr.No.VSII(3)/519/2010, dt:20.07.2010.
5. Govt.Memo.No.29092/Vig.VII(2)/2012, dt.11-09-2012.
6. From the CCLA, Lr.No.VSI(4)/519/2010, dt:12.05.2015.
7. Govt.Memo.No.42178/Vig.III(1)/2012-3, Dated:22-07-2016
8. From the District Collector, Srikakulam Lr.Rc.No.4708/1999- A2, dt:03.06.2018.
9. Explanation of Sri K. Madhusudhana Rao, formerly Attender (Retired) dt:30.06.2018.
10. Govt.Letter.No. 42178/Vig.III(1)/2012, Revenue (Vigilance.III) Dept, Dated:27.11.2018.
11. From the Secretary, APPSC, Letter.No. GAD03-APPS0DCC/92/2022-DC.SEC-APPSC, Dated:10.11.2022.

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ORDER:

It was brought to the notice of the Government that Sri K. Madhusudhana Rao, formerly Attender (CS), Check post, Loddaputti of Ichapuram Mandal, Srikakulam District had assaulted Sri B. Rama Krishna, Special Deputy Tahsidlar (CS) of the Check post on 16.08.1998. On that, a case in Cr.31/98 u/s 352, 506 and 510 IPC was registered against him in Ichapuram Police Station. The District Collector, Srikakulam has also initiated disciplinary action against the delinquent and after following due procedure, appointed the Mandal Revenue Officer, Ichapuram as Enquiry Officer under rule 20 (2) of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991. The Enquiry Officer in his enquiry report held that the charge against the delinquent is proved. Further, the Criminal case was finalized by the Judicial First Class Magistrate (JFCM), Ichapuram and convicted Sri K. Madhusudhana Rao, formerly Attender (CS), U/s 248 (1) Cr.P.C. The District & Sessions Judge, Srikakulam also found the accused as guilty for the offence under section 352 & 510 IPC in CA No.9/2000. After following due procedure, the District Collector, Srikakulam imposed the punishment of dismissal from service on Sri K. Madhusudhana Rao, formerly Attender (CS), Checkpost, Loddaputti of Ichapuram Mandal, Srikakulam District vide Procd. dt.15.02.2006. Aggrieved by the same, the delinquent has filed an appeal before the Chief Commissioner of Land Administration, who dismissed the same duly confirming the dismissal orders issued by the District Collector, Srikakulam.

2. In the reference 1st read above, Sri K. Madhusudhana Rao, formerly Attender (CS), has filed a Revision Petition before the Government, requesting to suspend the dismissal orders of the District Collector, Srikakulam dt.15.02.2006.

3. Government, after examining the Revision Petition, have modified the orders of the District Collector, Srikakulam and issued orders imposing a punishment under Rule 9 (VII) of Andhra Pradesh Civil Services (Classification, Control & Appeal) 1991 on Sri K. Madhusudhana Rao, formerly Attender (CS), i.e., reduction to a lower time scale of pay not being lower than that to which he was directly recruited i.e., to fix the pay of the individual for the minimum in the time scale of Rs. 3850-8600/-, vide reference 2nd read above.

(P.T.O)

4. And where as in the reference 3rd read above, the District Collector, while narrating the facts of the case, has stated that if such acts of indiscipline are tolerated, it will cause indiscipline among all the staff. As such, in order to keep up the discipline among the Government staff, the District Collector has requested the Government to review the orders issued in the G.O 2nd read above, under rule 41 Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991. The Chief Commissioner of Land Administration, vide reference 4th read above, while forwarding the proposal of the District Collector, Srikakulam has requested the Government to issue necessary orders in the matter.

5. After re-examining the matter, Government have reviewed the orders issued vide G.O.Rt.No.1552, Revenue (Vig.VII) Department, dt.02.08.2008, and decided to uphold the orders of the dismissal issued by the District Collector, Srikakulam. Accordingly, Government have rescinded the G.O.Rt. No.1552, Revenue (Vig.VII) Department, dt.02.08.2008, vide reference 5th read above.

6. In the reference 6th read above, the Chief Commissioner of Land Administration, while forwarding report of the Collector, Srikakulam has stated that the Government have issued orders vide Memo dt:11.9.2012 upholding the dismissal orders issued by the Collector, Srikakulam, against Sri K. Madhusudana Rao, formerly Attender, but the individual retired from service on 31.05.2012 on superannuation, by the time Government orders were received. The Chief Commissioner of Land Administration has stated that it is not possible to implement the orders of the Government, as the orders were issued after the date of the retirement of the individual i.e, on 31.05.2012 and requested the Government for necessary instructions in the matter.

7. Government, have examined the matter in detail and since the Accused Officer retired from Government service on 31.05.2012, provisionally decided to impose an equivalent punishment i.e., 100% cut in pension and gratuity permanently against Sri K. Madhusudhana Rao, formerly Attender (CS) Checkpost, Loddaputti of Ichapuram Mandal, Srikakulam District, under Andhra Pradesh Revised Pension Rules 1980, duly withdrawing/cancelling the earlier orders issued by the Government vide reference 5th read above, and directed to show cause as to why the proposed penalty of 100% cut in pension and gratuity permanently should not be imposed upon him under Andhra Pradesh Revised Pension Rules 1980 for the irregular act committed by him (i.e,, assaulting the Special Deputy Tahsidlar) within a period of fifteen (15) days from the date of receipt of this show cause notice.

8. The Delinquent has submitted his explanation to the show cause notice and requested to drop the charges framed against him vide reference 9th read above. Government have examined the same and found that the delinquent did not put forth any new ground for consideration. The matter has been referred to the Andhra Pradesh Public Service Commission for their concurrence on the provisional decision of the Government. In the reference 11th read above, the APPSC has opined that 'the punishment imposed may be too harsh and not commensurate to a lowest grade staff and concurred for a penalty of 50% cut in pension permanently and gratuity is to be restored'.

9. Government, after careful examination of the matter, have decided to impose a penalty of 50% (Fifty percent) cut in pension permanently and gratuity is to be restored, duly modifying the earlier orders issued vide reference 5th read above against Sri K. Madhusudhana Rao, formerly Attender (CS) Check post, Loddaputti of Ichapuram Mandal, Srikakulam District.

10. Accordingly, in modification of the orders issued vide reference 5th read above, Government hereby order to impose a penalty of 50% (Fifty percent) cut in pension permanently and gratuity is to be restored against Sri K. Madhusudhana Rao, formerly Attender (CS) Check post, Loddaputti of Ichapuram Mandal, Srikakulam District.

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11. The District Collector, Srikakulam shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To

Sri K. Madhusudhana Rao, formerly Attender (CS) Check post, Loddaputti of ichapuram Mandal, Srikakulam District **through** the District Collector, Srikakulam.

The District Collector, Srikakulam.

Copy to:

The Chief Commissioner of Land Administrator, AP, Mangalagiri.
The Secretary, Andhra Pradesh Public Service Commission, Vijayawada.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER